

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

SECRET ORIGINAL

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In Re the Matter of:

DAVID L. TITUS,

Amateur Radio Operator and Licensee of  
Amateur Radio Station KB7ILD.

EB Docket No. 07-13  
FRN No. 0002074797  
File No. EB-06-IH-5048

DAVID TITUS' RESPONSES AND  
OBJECTIONS TO THE BUREAU'S FIRST  
DOCUMENT REQUESTS

David Titus responds to the Enforcement Bureau's First Request for Production of Documents dated March 9, 2007 but only received March 19, 2007 as follows:

General Objections

- . Mr. Titus objects to the definition of the terms "relate to" and "relating to" contained in the Instructions insofar as they purport to mean that these document requests seek information which is protected from discovery under the attorney-client privilege and work product doctrine and documents not reasonably calculated to lead to the discovery of relevant or admissible evidence.
- . Mr. Titus objects to the procedures set forth for "identifying" and physically producing documents in the Instructions as unduly burdensome. Mr. Titus is willing to produce responsive documents in a time, place and manner to be agreed upon by the parties.

DAVID TITUS' RESPONSES AND OBJECTIONS TO THE  
BUREAU'S FIRST DOCUMENT REQUESTS

Page 1

No. of Copies rec'd 074  
List A B C D E

Law Office  
DAVID S. MARSHALL  
1001 Fourth Avenue, 44<sup>th</sup> Floor  
Seattle, Washington 98154-1192  
Telephone 206.826.1400  
Fax 206.389.1708



- 1 3. Mr. Titus objects to these requests insofar as they request documents which contain  
2 information which is confidential and sensitive. Mr. Titus offers to enter into a  
3 mutually agreed upon protective order that will allow such documents to be produced  
4 in a manner which respects their confidentiality.
- 5 4. Mr. Titus objects to the purported response date for these requests because the Bureau  
6 fails to take into account the fact that these requests (i) were mailed; (ii) were mailed to  
7 Mr. Titus as opposed to his attorneys of record; (iii) were not delivered to Mr. Titus;  
8 and (iv) were only received by Mr. Titus' attorneys on March 19, 2007. Mr. Titus is  
9 responding as soon as is possible under the circumstances.
- 10 5. Each and every one of Mr. Titus' responses is made without waiver of, and subject to,  
11 these General Objections, and as if these General Objections has been restated therein.

12 Responses to Specific Document Requests

13 **REQUEST NO. 1: Copies of all documents relating to each and every felony**  
14 **conviction of David L. Titus.**

15 Mr. Titus objects to this request because it purports to require production of  
16 documents protected by the work product doctrine and attorney client privilege; it is unduly  
17 burdensome because it purports to require production of documents not in Mr. Titus' but in  
18 third parties' possession, custody or control; it requests the production of documents not  
19 reasonably calculated to lead to the discovery of relevant or admissible evidence; and  
20 because it requests documents which are confidential and sensitive. See also General  
21 Objections. Without waiving his objections, Mr. Titus further responds as follows:

22 Will produce any pleadings or documents from court files which he has in his  
23 possession concerning any felony conviction which are not under seal in a time, place and  
24 manner to be agreed upon by the parties. Following the entry of a mutually agreed upon  
25 protective order, **will** produce any other pleadings or documents from court files which he

26 DAVID TITUS' RESPONSES AND OBJECTIONS TO THE  
BUREAU'S FIRST DOCUMENT REQUESTS

Page 2.

Law Office  
DAVID S. MARSHALL  
1001 Fourth Avenue, 44<sup>th</sup> Floor  
Seattle, Washington 98154-1192  
Telephone 206.826.1400  
Fax 206.389.1708



1 has in his possession concerning any felony conviction in a time, place and manner to be  
2 agreed upon by the parties.

3 **REQUEST NO. 2: Copies of all applications and correspondence that David L. Titus**  
4 **has filed with or otherwise sent to the Commission since January 1, 1997.**

5 Mr. Titus objects to this request as unduly burdensome and harassing because the  
6 Enforcement Bureau has access to all such documents. Without waiving his objections, Mr.  
7 Titus further responds as follows:

8 Will produce all applications and correspondence with the Commission since  
9 January 1, 1997 that he has in his possession in a time, place and manner to be agreed upon  
10 by the parties.

11 DATED this 27<sup>th</sup> day of March, 2007.

12  
13 

14 DAVID S. MARSHALL, WSBA #11716  
15 STEVEN D. BROWN, WSBA #11759  
16 Attorneys for David L. Titus  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 DAVID TITUS' RESPONSES AND OBJECTIONS TO THE  
BUREAU'S FIRST DOCUMENT REQUESTS

Page 3.

Law Office  
DAVID S. MARSHALL  
1001 Fourth Avenue, 44<sup>th</sup> Floor  
Seattle, Washington 98154-1192  
Telephone 206.826.1400  
Fax 206.389.1708